



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,452	04/12/2001	Randall Allen Vogel	AD6728 US NA	3330
23906 7590 01/10/2007 E I DU PONT DE NEMOURS AND COMPANY LEGAL PATENT RECORDS CENTER BARLEY MILL PLAZA 25/1128 4417 LANCASTER PIKE WILMINGTON, DE 19805			EXAMINER JACKSON, MONIQUE R	
			ART UNIT 1773	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/10/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/833,452

Applicant(s)

VOGEL ET AL.

Examiner

Monique R. Jackson

Art Unit

1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) 4,7,9,11,12,14,16-18,20,21,45,47 and 49 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,6,43,54,55,57-63,65-72,83 and 84 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims pending in the application are 1,3,4,6,7,9,11,12,14,16-18,20,21,43,45,47,49,54,55,57-63,65-72,83 and 84.

Art Unit: 1773

DETAILED ACTION

1. The amendment filed 10/18/06 has been entered. Claims 56, 64, 73-81 have been canceled. Claims 1, 3, 4, 6, 7, 9, 11, 12, 14, 16-18, 20-21, 43, 45, 47, 49, 54, 55, 57-63, 65-72, and 83-84 are pending in the application. Claims 4, 7, 9, 11, 12, 14, 16-18, 20-21, 45, 47, and 49 are withdrawn from consideration as being directed to non-elected species.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 57-63, 65, 67, 68, 71 and 72 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 57-59 recite the limitation "wherein the thickness of the multilayer film or sheet is about 12 to about 40 mils or about 60 to about 400 mils" and Claims 60-63 and 65 recite the limitation "wherein the thickness of the first co-extruded layer is about 12 to about 40 mils or about 60 to about 400 mils". First, it is noted that the instant disclosure at the time of filing clearly states at page 12 that "the expressions multilayer film and the multilayer sheet refer collectively to polymeric films and sheets that are from about 1 mil to about 60 mils thick. Although no single thickness is felt to represent a demarcation between film and sheet, for

Art Unit: 1773

purposes of this invention the use of the word sheet, in both the processes for making a shaped article involving backfilling of sheet and for making a thermoformed article from sheet, refers to polymeric material of 8 to 60 mils thick.” Though the specification at page 17 recites that “it should be appreciated that thicker dimension such as 60 to 400 mils, alternatively 80 to 180, can be easily achieved and retain many of the benefits of the instant invention”, page 12 of the original disclosure at the time of filing provides a clear “definition” with respect to the thickness of the multilayer film or sheet of the instant invention, limiting the “multilayer film” and “multilayer sheet” to a maximum thickness of 60 mils, not 400 mils as instantly claimed. Further, there is no support or suggestion in the original disclosure at the time of filing for the instantly claimed thickness ranges of the first co-extruded layer of Claims 60-63 and 65.

5. Claims 58, 60, 62, 65, 68, and 72 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 58, 60, and 62 recite thickness ranges that conflict with the narrower thickness range of Claim 3 from which Claims 58, 60 and 62 depend. Claim 65 recites a thickness range for the first co-extruded layer that is the same as the total thickness of the multilayer film or sheet as recited in Claim 59 and considering the film is a multilayer film, it is unclear how the first co-extruded layer could have the same thickness as the entire film or sheet of multiple layers. Hence, the claims are unclear.

6. Claims 66-68 and 71-72 which depend upon 67 and 68 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 66-68 still recite the limitation "the ionomer or ionomer-polyamide blend" at lines 4-5 however the base claims were amended

Art Unit: 1773

to remove the “ionomer-polyamide blend” limitation. Hence, there is insufficient antecedent basis for this limitation in the claim.

7. Claim 43 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 43 recites that it is alternatively dependent upon various claims including Claim 64, however, considering Claim 64 has been cancelled, the claim is indefinite.

Claim Rejections - 35 USC § 102

8. Claims 1, 3, 6, 43, 54, 55, 57-63, 65-72, 83 and 84 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al (USPN 6,319,438) for the reasons recited in the prior office action dated 5/18/04 and restated below.

9. As previously discussed, Smith et al teach an extruded automotive trim and a method of making the trim wherein a multilayer sheet is coextruded to include at least one color pigmented or metallizing particle layer and a top clear coat layer wherein the multilayer sheet may further include tie layer(s) which may be clear or include color pigment and/or metallizing particles and the clear coat layer may include multiple layers; wherein as taught in an example, the layers may be formed of ionomeric resins as instantly claimed and wherein the sheet is laminated to a substrate which may be provided with coloring (Abstract; Figures; Col. 7-10; Col. 14, line 47-Col. 15, line 34; Col. 16, line 49-Col. 18, line 16.) With respect to the claim amendments made after the May 2004 office action, Smith et al also teach that the sheet is thermoformable, that the substrate may be various polymers, that each of the trim products has a finished surface with a distinctness of image (DOI) of at least about 60 units, where 100 is the maximum DOI reading, and a gloss of at least about 60-65 at an angle of 20°; wherein Smith et al teach that the gloss and

Art Unit: 1773

DOI of the final trim part can be increased or improved by polishing or plating working mold surfaces since the final product may come directly from the mold apparatus (Col. 11-12; Col. 17; Col. 19, lines 45-65; Col. 8, lines 55-67.) Smith et al further teach thickness ranges that read upon the claimed film and first coextruded layer ranges (Col. 9; Col. 17, lines 22-Col. 18, line 16.)

Response to Arguments

10. Applicant's arguments filed 10/18/06 have been considered but are not persuasive and/or moot in view of the new ground(s) of rejection. The Examiner notes that in light of the claim amendments filed 10/18/06, the Examiner is reapplying the Smith et al reference considering Applicant's declaration filed 8/9/04 is no longer applicable as it fails to support a reduction to practice of the currently claimed subject matter and disclosed by the Smith et al reference prior to the effective date of the reference.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 1773

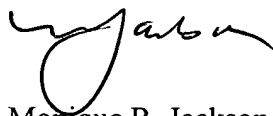
however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique R. Jackson whose telephone number is 571-272-1508.

The examiner can normally be reached on Mondays-Thursdays, 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on 571-272-1284. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Monique R. Jackson
Primary Examiner
Technology Center 1700
December 28, 2006